

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TREVAUGHN COX,

Plaintiff,

v.

MICHAEL RENETH, STEVEN SHELBY
and CITY OF MADISON,

Defendants.

Case No. 09-cv-730-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the defendants' motion to dismiss Counts III, IV, V and VI of the complaint (Doc. 5). Since the defendants filed the motion to dismiss, the plaintiff has amended the complaint (Doc. 18). Because the motion to dismiss is directed at the original complaint, which is no longer the operative pleading in this case, *Massey v. Helman*, 196 F.3d 727, 735 (7th Cir. 1999), the Court hereby **DENIES as moot** the motion to dismiss (Doc. 5).

**IT IS SO ORDERED.
DATED: December 7, 2009**

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE